

REMARKS

This amendment responds to the Office Action mailed April 9, 2004.

The Examiner rejected claims 1-5 under 35 U.S.C. § 112, first paragraph. The examiner contends that each of claims 1-5 claims a multipurpose tool having a single handle while the specification only supports a multipurpose tool having a pair of handles and jaws. The Examiner suggests amending each of claims 1-5 to recite a pair of handles where one of the handles includes the elements respectively recited in claims 1-5.

Applicants disagree with the Examiner's position that the invention defined by original claims 1-5 was not enabled by the disclosure. That aspect of the invention is clearly mentioned as a separate aspect of the invention in the Summary of the Invention, on page 4, lines 29-34, of the specification, and the details of the invention of claims 1-5 are described on page 20, lines 27 through page 21, line 9 and shown in FIG. 20.

Applicant does not agree that claims 1-5 include the limitation that a multipurpose tool have only one handle as contended by the Examiner. Independent claims 1, 3, and 4 use the transitional word "comprising" which denotes an "open" claim, i.e., the elements and limitations recited in the claim are nonexclusive. See MPEP at §2111.03. Thus the recitation of the element of "a handle" in these independent claims limits neither independent claims 1, 3, and 4 nor their dependent claims 2 and 5 to a single handle, as the Examiner suggests.

The applicant has added new claims 6-10, each directed to a multipurpose hand tool and each reciting the elements of "a pair of handles, at least one of said handles having an end portion defining a tool bit drive socket" corresponding to the drive sockets as recited in the respective original claims 1-5. The subject matter of each of new claims 6-10 is fully disclosed by the specification and drawings as mentioned above and should therefore be allowable.

The applicant has added new claims 11-15. Each of these claims is broader in scope than original claims 11-15 and is directed to a respective subassembly of a multipurpose tool, each such subassembly including a handle that corresponds to a handle as recited in original claims 1-5. The subject matter of each of new claims 11-15 is fully disclosed by the specification and drawings as mentioned above and should therefore be allowable.

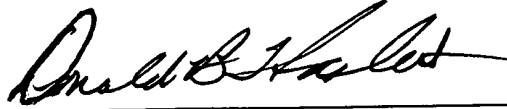
///

///

Appl. No. 10/643,098
Amdt. dated June 30, 2004
Reply to Office action of April 9, 2004

In view of the foregoing, the Examiner is requested to reexamine the application, to allow all of claims 1-15, and to pass the application on promptly to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald B. Haslett", written over a horizontal line.

Donald B. Haslett
Reg. No. 28,855
Tel No.: (503) 227-5631